

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CITY OF SAN JOSÉ; CITY OF SAN JOSÉ
AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY
OF SAN JOSÉ; and THE SAN JOSÉ
DIRIDON DEVELOPMENT AUTHORITY

Plaintiffs,

v.

OFFICE OF THE COMMISSIONER OF
BASEBALL, an unincorporated association
doing business as Major League Baseball; and
ALLAN HUBER "BUD" SELIG,

Defendants.

Case No. C-13-02787 RMW

**ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE**

The court hereby sets an initial case management conference for December 13, 2013, at 10:30 a.m. In addition to the information required by Civil Local Rule 16-9, the parties should address in their joint case management conference statement and be prepared to discuss at the conference the following questions:

(1) Since the federal claim has been dismissed, should the court retain supplemental jurisdiction of the two surviving state law claims? *See 28 U.S.C. 1367(c)(3); Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988); Acri v. Varian Associates, 114 F.3d 999, 1001 (9th*

1 Cir.1997) (*en banc*); and *Millar v. Bay Area Rapid Transit Dist.*, 236 F.Supp.2d 1110, 1119 (N.D.
2 Cal. 2002).

3 (2) If the court retains jurisdiction of the state law claims, should the court “expressly
4 determine[] that there is no just reason to delay” entry of final judgment on the federal claim and
5 state law claims that have been dismissed and enter final judgment on those claims pursuant to
6 Federal Rule of Civil Procedure 54(b)?

7 (3) If plaintiff were to prevail on either of its two remaining state interference claims, how
8 would damages be computed? The court is not looking for a specific figure but rather the
9 methodology that would be used to calculate damages.

10 The parties should also include in their joint case management conference statement an
11 agreed upon discovery plan or their respective proposals if they cannot agree.

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13 Dated: November 8, 2013
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RONALD M. WHYTE
United States District Judge